

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

PETE S. BRYANT,)	
)	
Petitioner,)	Civil Action No. 3:09-03234-CMC -JRM
)	
v.)	
)	
)	ORDER
WARDEN LEROY CARTLEDGE,)	
)	
Respondent.)	
_____)	

Petitioner, Pete S. Bryant (“Bryant”), is an inmate at the South Carolina Department of Corrections serving a sentence of life imprisonment without the possibility of parole for armed robbery. Bryant filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 which was received by the Court on December 21, 2009. Respondent filed a return and motion for summary judgment on April 7, 2010. Because Bryant is proceeding *pro se*, an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) was issued on April 8, 2010 advising him of his responsibility to respond to the motion for summary judgment. Bryant filed his response to the motion on May 21, 2010.

Bryant has filed three motions. The gist of these motions is that he wishes to engage in discovery and file a supplemental memorandum in opposition to summary judgment to address Respondent’s argument that the petition should be dismissed based upon the one year statute of



limitations contained in 28 U.S.C. § 2244. According to Bryant, he was delayed in filing his petition based on late receipt of the state court's rejection of his appeal following denial of his application for post-conviction relief, medical issues, and prison lockdown.

Discovery is limited in habeas cases since the function of this Court is primarily to review state court proceedings to determine whether those courts correctly applied federal constitutional standards. Discovery is only allowed by leave of the Court for "good cause" shown. Habeas Rule 6. Bryant wants this Court to subpoena certain prison records, or in the alternative, to order prison officials to provide those records to him. However, based on the nature of the records Bryant seeks, he can adequately establish the facts he wishes to present by his own affidavit. Therefore, Bryant's motions to subpoena documents (Doc.Nos. 18 and 22) are **denied**. His motion to file a supplemental response (Doc. No. 21) is **granted**. Bryant may file his affidavit in support of the supplemental memorandum. The supplemental memorandum shall be filed on or before September 24, 2010.

IT IS SO ORDERED.



Joseph R. McCrorey
United States Magistrate Judge

August 25, 2010
Columbia, South Carolina